

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney  
2 JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
3 JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055  
5 San Francisco, California 94102-3495  
Telephone: (415) 436-6967  
6 Facsimile: (415) 436-6748  
Email: jennifer.s.wang@usdoj.gov

7 Attorneys for the Federal Defendants  
8  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 JAMES POINT,

14 Plaintiff,

15 v.

16 UNITED STATES POSTAL SERVICE,  
17 KELVIN HILL, and DOES 1-10, inclusive,

18 Defendants.

No. C 07-6398 JSW

STIPULATION AND [PROPOSED]  
ORDER REGARDING AMENDED  
COMPLAINT

19 STIPULATION

- 20 1. On or about December 18, 2007, plaintiff James Point filed a Federal Tort Claims Act  
21 ("FTCA") complaint against the United States Postal Service ("USPS") and Kelvin Hill.  
22 2. The parties hereby stipulate and agree to the filing of an amended complaint to substitute  
23 the United States for the USPS and Mr. Hill as the defendant in this FTCA action. Plaintiff shall  
24 file an amended complaint substituting the United States for the USPS and Mr. Hill by April 9,  
25 2008.  
26 3. The parties further stipulate and agree that the United States' response to the amended  
27 complaint shall be due 60 days after plaintiff files his amended complaint.  
28 4. The undersigned counsel for the federal defendants agrees to accept service of the  
amended complaint for the United States.

MAR-25-2008 10:00 From:US ATTORNEY

4154366927

To:5108411666

P.4/4

1 5. The United States agrees that it will not assert any defense to the amended complaint  
2 based on the absence of the USPS or Mr. Hill as parties to plaintiff's FTCA action.

3 IT IS SO STIPULATED.


4  
5 DATED: March 24, 2008

Respectfully submitted,

6 JOSEPH P. RUSSONIELLO  
7 United States Attorney

8   
9 JENNIFER S. WANG  
Assistant United States Attorney

10  
11 DATED: March 25, 2008

12   
13 GREGORY P. BROCK  
14 YORK & BROCK  
15 Attorney for Plaintiff

16  
17 [PROPOSED] ORDER

18 IT IS SO ORDERED.

19 Dated: \_\_\_\_\_

20 JEFFREY S. WHITE  
21 UNITED STATES DISTRICT COURT JUDGE  
22  
23  
24  
25  
26  
27  
28

STIP. AND [PROPOSED] ORDER RE: AMENDED COMPL.  
C07-6398 JSW